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09/804,276	03/12/2001	Gisela Uhlemann	DEN300	7480

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EXAMINER

BEHULU, ALEMAYEHU

ART UNIT PAPER NUMBER

2682

DATE MAILED: 01/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,276

Applicant(s)

UHLEMANN, GISELA

Examiner

Alemayehu Behulu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because line number 11 has to be deleted. Correction is required. See MPEP § 608.01(b).
2. Claim 1 is objected to because of the following informalities: In claim 1 on page 3, line 4, "Fig. 1 (1)" and "Fig. 1 (2)" and on page 3, line 6 "Fig. 2" should be deleted. Appropriate correction is required.
3. Claim 2 is objected to because of the following informalities: In claim 2 on page 3, line 9, and "incl." and "Fig. 1 (3)" should be deleted. Appropriate correction is required.
4. Claim 3 is objected to because of the following informalities: In claim 3 on page 3, lines 12 and 13, "Fig. 3 (6, 7, 8, 9)" and "Fig. 3 (10, 11, 12, 13)" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrases "especially alphanumeric keypad connected to the mobile" at page 3, line 3 and "especially the back of the mobile phone" at page 3, lines 5-6 render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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Regarding claim 2, the phrase " especially alphanumeric keypad connected to the mobile " at page 3, line 8 renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 3, the phrases " especially alphanumeric keypad connected to the mobile" at page 3, line 11 and "especially four touchscreen display pages" at page 3, line 12 render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 4, the phrase " especially alphanumeric keypad connected to the mobile " at page 3, line 15 renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 4, recites the limitation "the front keypad" at page 2, line 14. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 5, the phrase " especially alphanumeric keypad connected to the mobile " at page 3, line 18 renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Priority

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardenfors (U.S. Pub. No. 2002/0119685).

Regarding to claim 1, Gardenfors discloses Keypad (membrane keys, pushbuttons and/or touchscreen display pages) especially alphanumeric keypad connected to the mobile phone (figure 10, number 31), keypad is installed separately in a housing component and placed near the housing on one side of the sides of the cellular phone housing, especially the back of the mobile phone (figure 11, number 31).

Regarding to claim 2, Gardenfors discloses Keypad (membrane keys, pushbuttons and/or touchscreen display pages) especially alphanumeric keypad connected to the mobile phone that one housing component including keypad (figure 10, number 31), can be folded by means of hinges (figure 10, numbers 35 and 36).

7. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sternglass (U.S. Patent. No. 5, 995, 025).

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Regarding to claim 1, Sternglass discloses Keypad (membrane keys, pushbuttons and/or touchscreen display pages) especially alphanumeric keypad connected to the mobile phone (figures 1B, 1C, 7F and 7G), keypad is installed separately in a housing component and placed near the housing on one side of the sides of the cellular phone housing, especially the back of the mobile phone (column 12, lines 16-46 and column 13, lines 3-30).

Regarding to claim 2, Sternglass discloses Keypad (membrane keys, pushbuttons and/or touchscreen display pages) especially alphanumeric keypad connected to the mobile phone that one housing component including keypad (figures 1B, 1C, 7F and 7G), can be folded by means of hinges (figures 1C, label A and B and column 3, lines 44-51 and column 7, lines 1-21).

Regarding to claim 4, Sternglass discloses Keypad (membrane keys, pushbuttons and/or touchscreen display pages) especially alphanumeric keypad connected to the mobile phone that the keypad when unfolded is functionally connected to the front keypad by a contact (figures 1C and 7E and column 9, lines 6-49).

Regarding to claim 5, Sternglass discloses Keypad (membrane keys, pushbuttons and/or touchscreen display pages) especially alphanumeric keypad connected to the mobile phone that a keypad when folded back, the keys are disabled via contact (column 14, lines 24-41 and column 9, lines 24-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita (U.S. Patent No. 6, 327, 482).

Regarding to claim 3, Miyashita discloses Keypad (membrane keys, pushbuttons and/or touchscreen display pages) especially alphanumeric keypad connected to the mobile phone (figure 2A-2C), that the several touchscreen display pages (figure 3B, numbers 7a and 9a), one to six pages can be folded via hinges (figure 3A and 3B, number 9b). The claim differs from Miyashita by reciting that the touchscreen display has four display pages. However, one skilled in the art would have appreciated that as long as Miyashita discloses more than one display pages, the fact that how many more display pages are used would not render the claim patentability over Miyashita, because it merely depends on how many display pages one would like to use in his telephone. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have replaced the two touchscreen display pages of Miyashita (figure 7A-7C and 3B) with four touchscreen display pages in order to expand the viewing capacity.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828. The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-746-3501.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AB


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